

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Notice EQ-114

For: State and County Offices

Environmental Requirements for the Conservation Reserve Program (CRP)

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A

Background

According to 7 CFR Part 799, FSA is required to comply with the provisions of the National Environmental Policy Act (NEPA) in the administration of its programs which might have potential impacts on the human environment.

B

Purpose

This notice provides guidance for complying with the requirements of 7 CFR Part 799 in relationship to implementing CRP.

C

Contacts

If there are any questions about this notice or NEPA requirements about private sector technical assistance:

- Service Centers may contact FSA State Environmental Coordinator (SEC)
- State Offices may contact Don Steck, CEPD at 202-690-0224.

Disposal Date

February 1, 2003

Distribution

State Offices; State Offices relay to County Offices

Notice EQ-114

2 Action

A

FSA Action

To comply with the provisions of 7 CFR Part 799, FSA will require that FSA-850 be completed for each CRP contract.

FSA-850 will be made available by FSA County Offices to all vendors with a copy of Exhibit 1 of this notice and a copy of the FSA State Environmental Guide (SEG).

Before the first FSA-850 is received by a County Office, SEC will:

- ensure that all participating vendors have received proper guidance so that they have an adequate knowledge of what is expected of them in completing the environmental review
- ensure that all FSA officials responsible for implementing CRP are properly trained on completing FSA-850 and possess an adequate knowledge of the NEPA analytical process to properly review the form
- provide support to County Offices about environmental and cultural resource issues.

Upon receiving a completed FSA-850 from a vendor, CED will:

- review the evaluation for completeness and accuracy
- work with SEC to ensure that any necessary consultation with the State Historic Preservation Officer, Tribal Historic Preservation Officer, or the U.S. Fish and Wildlife Service is completed
- ensure that any required notifications are provided
- sign and complete FSA-850, Section 19E and 19F once it is determined that the evaluation is complete and acceptable
- place the completed FSA-850 and all associated attachments into the producer's file.

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2 Action (Continued)

B

Vendor Action

The vendor providing the private sector technical assistance will be responsible for completing FSA-850. The evaluation will be completed in conjunction with the feasibility and eligibility determination.

If there are any questions concerning properly completing FSA-850 or specific issues related to the project, the vendor should contact the County Office for assistance.

3 Completing the Environmental Evaluation Process

A

FSA-850

FSA-850 is a detailed evaluation form that provides a means for evaluating the potential environmental impacts related to a project. The form is designed as a checklist but additional information may be required should potential adverse impacts be identified and documented on the form.

Exhibit 1 provides detailed instructions for completing FSA-850.

The preparer of FSA-850 does not have to complete a separate page for each exhibit. For example, several narrative exhibits which provide supporting documentation for questions on FSA-850 may be combined on the same page.

B

Environmental Assessments

If FSA-850, item 18b is checked, a separate environmental assessment will be completed to further analyze the potential adverse impacts to the human environment. The format for completing the environmental assessment is Exhibit H of 7 CFR Part 1940 subpart G.

Completing FSA-850, Environmental Evaluation

FSA-850 is only to be used for evaluating environmental impacts for Farm Storage Facility Loans, Special Apple Loans, Seed Loans, Emergency Conservation Program (ECP), and Conservation Reserve Program (CRP).

To properly complete this checklist, it will be necessary to use the State Environmental Guide (SEG) which is developed and distributed by the State Environmental Coordinator (SEC). Other resources may also be used as well as contacts with other Federal and State agencies as necessary.

The amount of evaluation and supporting material that must be provided will depend upon the type and size of the project, the environment in which it is located, and the range and complexity of the potential impacts. The amount of evaluation completed, therefore, must be commensurate with the magnitude of the expected impact. The evaluation of each environmental factor must be taken to the point that a conclusion can be reached and supported concerning the degree of the expected impact with respect to that factor.

| Item | Instructions |
|-------------------------------------|--|
| Part 1 - Project Information | |
| 1A | If completing evaluation for: <ul style="list-style-type: none"> • a loan, insert the name of the applicant • CRP or CREP, insert the name of the producer. |
| 1B | If for: <ul style="list-style-type: none"> • a loan, insert the loan number assigned to the applicant • CRP or CREP, leave blank. |
| 1C | Insert the applicable State and County Code for the State and county in which the project is located. |
| 1D | Check the applicable box to show whether the project relates to a loan, CRP (CREP) contract, ECP, or other program. |
| 1E | Provide a brief description of the type of project checked in 1D. For example, if the project is a loan, state that it is a Farm Storage Facility Loan. For CRP or CREP, provide a description of the practice or practices involved. If more than 1 practice is associated with a CRP contract, provide a description of all practices. |
| 1F | Insert the name of the county or parish in which the project is located. |

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Completing FSA-850, Environmental Evaluation (Continued)

| Item | Instructions |
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| Part 2 - Background | |
| 2a | <p>Clearly state the purpose and need for the project. The need for the project will control how much evaluation needs to be completed to comply with National Environmental Policy Act (NEPA) requirements.</p> <p>Example: Farmer Jones needs to construct another grain bin to properly store grain. Without the extra bin, Farmer Jones will have to reduce his acreage which will affect his cash flow.</p> |
| 2b | State the current use of the project area such as cropland, pasture, or farmstead. Provide details such as its proximity to roads, water sources, and buildings. |
| 2c | <p>Describe the surrounding land uses. Attach adequate location maps of the project area. When necessary for descriptive purposes or environmental analysis, include land use maps or other graphic information. All graphic materials should be of high quality resolution.</p> <p>Note: Projects involving the production of animal waste would require more detail about surrounding land uses than a CRP site where trees or grass will be established as cover and maintained.</p> |
| Part 3 - Protected Resources | |
| <p>The project site should be closely reviewed to determine whether the resources listed in this part are adversely affected by the proposed action. If "Yes" is checked in Column A or B indicating a presence of a listed resource on the project site or within the proposed action area, then Column C must be completed. If "Yes" is checked in Column C, then supporting documentation must be attached to address the adverse impact.</p> | |
| 3a | <p>Wetlands</p> <p>A determination must be made as to whether there are any wetlands located on the project site or within the proposed action area of environmental impact. For projects involving construction, this determination will be made with the assistance of Natural Resource Conservation Service (NRCS). For loans involving construction, alternative sites must be considered in the environmental review process to avoid impacting wetlands.</p> <p>For CRP and CREP, the acreage to be placed under contract and the surrounding acreage should be reviewed to determine the presence of wetlands and the potential effects upon them. For CRP or CREP sites involving restoration of wetlands, the environmental analysis should address all necessary mitigation measures and alternatives. Also, all necessary permits required under the Clean Water Act must be obtained from the U.S. Army Corps of Engineers and State agencies.</p> |

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Completing FSA-850, Environmental Evaluation (Continued)

| Item | Instructions |
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| Part 3 - Protected Resources (Continued) | |
| 3b | <p>Floodplains - Flood Map Panel # _____</p> <p>The area in which the project will be located should be checked against Federal Emergency Management Agency (FEMA) floodplain maps to determine the presence of 100 and 500 year floodplains. The panel number from the FEMA floodplain map should be inserted in the corresponding blank.</p> <p>If the preparer finds that the only practicable alternative consistent with Executive Order 11988 requires locating the project in a floodplain, FSA shall, before approving the project:</p> <ul style="list-style-type: none"> • design or modify its action to minimize potential harm to or within the floodplain • prepare and circulate a notice explaining why the project is proposed to be located in the floodplain. The notice shall contain all of the following: <ul style="list-style-type: none"> • a description of the proposed project, its location, and the surrounding area • a description of the floodplain impacts and mitigation measures used • a statement of why the project must be located in a floodplain • a description of all significant facts considered in making this determination • a statement indicating whether the actions conform to applicable State or local floodplain protection standards • a statement listing other involved agencies and individuals. <p>For projects involving construction, if it is determined that the only practicable alternative is to construct the project within a floodplain, then applicable floodplain development permits must be obtained from local authorities. This usually involves submitting engineering data to support the request for the permit.</p> <p>Note: Development of shallow water areas involving diking and earth moving are considered construction.</p> <p>Flood insurance should be viewed only as a financial mitigation measure that must be used only after FSA determines that there is no practicable alternative for avoiding construction in the floodplain and all practicable mitigation measures have been included in the project proposal. That is, for a project to be located in the floodplain, it is not sufficient simply to require flood insurance. It should be understood by an applicant proposing to construct a building in a floodplain that they are not eligible for FSA financial assistance unless the project area is participating in the National Flood Insurance Program.</p> |

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Completing FSA-850, Environmental Evaluation (Continued)

| Item | Instructions |
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| Part 3 - Protected Resources (Continued) | |
| 3c | <p>Sole Source Aquifer Recharge Area</p> <p>The Sole Source Aquifer Recharge Area list and map provided by the Environmental Protection Agency (EPA), available at http://www.epa.gov/OGWDW/swp/sumssa.html should be checked to determine if the project will be located in or will affect a sole source aquifer recharge area.</p> |
| 3d | <p>Critical Habitat or Endangered/Threatened Species</p> <p>According to Section 7 of the Endangered Species Act, the project area must be checked against Fish and Wildlife Service (FWS) and State listings of critical habitat and endangered or threatened species. Unless a programmatic agreement has been established between the local FWS office and FSA or the project is already covered by a programmatic Environmental Impact Statement (EIS), the preparer will need to contact FWS for an informal review if it is determined that listed species are present within the project area. FWS maintains listings of threatened and endangered species at their website at http://www.fws.gov.</p> |
| 3e | <p>Wilderness</p> <p>The project must be reviewed to determine if it would be located adjacent or nearby a designated wilderness area or wilderness study area or would affect a wilderness area such as by being visible or audible from the wilderness area.</p> <p>Restrictions on activities allowed in wilderness areas (subject to valid existing rights) protect them from drilling, logging, mechanized forms of transportation, and permanent development, including roads.</p> <p>Note: There is generally little interference with natural processes in wilderness.</p> <p>The National Park Service maintains a list of federally designated wilderness areas at http://www.wilderness.net/nwps/default.cfm.</p> <p>States may also have State-designated wilderness areas that should be checked before proceeding with the project.</p> |

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Completing FSA-850, Environmental Evaluation (Continued)

| Item | Instructions |
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| Part 3 - Protected Resources (Continued) | |
| 3f | <p>Coastal Barrier in Coastal Barrier Resources System or Approved Coastal Zone Management Area</p> <p>The project may be located within or may impact a coastal area defined as being in an approved Coastal Zone Management Area (CZMA) or within the Coastal Barrier Resources System (CBRS).</p> <p>Federal consistency is the CZMA requirement that federal actions that are reasonably likely to affect any land or water use or natural resource of the coastal zone must be consistent with the enforceable policies of a coastal State's or territory's federally approved coastal management program ("State CMP" or MP). Federal actions include:</p> <ul style="list-style-type: none"> • direct federal actions -- activities and development projects performed by a federal agency, or a contractor for the benefit of a federal agency • indirect federal actions -- activities not performed by a federal agency, but requiring federal permits, licenses, or other forms of federal approval, and federal financial assistance to States, territories, and local governments. |
| 3g | <p>Wild or Scenic River</p> <p>The National Park Service listing of designated wild and scenic rivers included in the National Wild and Scenic Rivers System should be reviewed to determine if the project is located adjacent to or within close proximity (1/4 mile) of a designated wild or scenic river or a river listed on the National River Inventory (NRI). NRI rivers are those that possess 1 or more attributes that would qualify it for designation, but that have not yet been officially designated as wild or scenic.</p> <p>A listing of wild and scenic rivers is located at http://www.nps.gov/rivers/wildriverslist.html and is also available in the FSA SEG. The NRI list is available at http://www.ncrc.nps.gov/PROGRAMS/RTCA/NRI/index.html.</p> <p>In addition, lists of State-designated wild and scenic rivers should be reviewed.</p> |

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Completing FSA-850, Environmental Evaluation (Continued)

| Item | Instructions |
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| Part 3 - Protected Resources (Continued) | |
| 3h | <p>Natural Landmark</p> <p>Places that possess exceptional value or quality in illustrating and interpreting the full range of geologic and ecological features of the Nation's natural heritage are designated National Natural Landmarks. Based upon the recommendations of the National Park System Advisory Board, the Secretary of the Interior designates National Natural Landmarks.</p> <p>SEC has a digitized list of natural landmarks in each State.</p> |
| 3i | <p>Historical, Archeological Sites</p> <p>Proper completion of this question will satisfy or assist in satisfying FSA's requirements under section 106 of the National Historic Preservation Act. A third party can complete the historic property identification and assessment phases under 36 CFR 800.4-6, if qualified cultural resources staff are available to perform this work. Consultation may be necessary with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), and/or American Indian Tribes. The third party can initiate consultation with SHPO only. Any required consultation with THPO's or tribes must be done by FSA through SEC, unless otherwise directed by SEC or Federal Preservation Officer. Attach any consultation letters and other documents.</p> |
| 4 | <p>Water Quality</p> <p>All aspects of the project including primary beneficiaries' operations and known direct or indirect effects which will affect water quality should be reviewed. Evaluate the impacts of the project on the existing water quality.</p> <p>If "yes" is checked for either question, the attached documentation should indicate the source and available supply of raw water and the extent to which the additional demand will affect the raw water supply. If applicable, describe the wastewater treatment system(s) to be used and indicate their capacity and their adequacy in terms of the degree of treatment provided. Discuss the characteristics and uses of the receiving waters for any sources of discharge.</p> <p>Discuss the project's consistency with applicable State water quality standards to include a discussion of whether or not the project would either impair any such standard or fail to meet antidegradation requirements for point or nonpoint sources. Describe how surface runoff is to be handled and its effect on erosion of streams.</p> <p>Storm water runoff from construction activities such as constructing ponds or restoring wetlands can have a significant impact on water quality, contributing sediment and other pollutants exposed as a result of earth disturbance. Disturbance refers to exposed soil resulting from activities such as clearing, grading, and excavating. Operators of both large and small construction sites may be required to obtain National Pollutant Discharge Elimination System (NPDES) permits to discharge storm water. The operator must check with the NPDES permitting authority within their State to determine specific permit requirements. Further information can be obtained from http://cfpub.epa.gov/npdes/</p> |

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Completing FSA-850, Environmental Evaluation (Continued)

| Item | Instructions |
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| 5 | <p>Air Quality</p> <p>Consider the amounts and types of emissions to be produced, all aspects of the project including beneficiaries' operations and known indirect effects such as increased motor vehicle traffic which will affect air quality.</p> <p>If the question is answered "yes," provide the following documentation:</p> <ul style="list-style-type: none"> • statement of the existing air quality in the area • evaluation of impact on air quality. • cite any contacts with appropriate experts and agencies which must issue necessary permits. |
| 6 | <p>Noise</p> <p>Consider the amount and duration of increased noise as a result of the proposed project.</p> <p>If the question is answered "yes," provide the following documentation:</p> <ul style="list-style-type: none"> • describe the source of the noise • describe the proximity to homes or businesses • check local and State regulations for acceptable noise level to determine if permits or plans must be obtained or submitted. |
| 7 | <p>Important Land Resources</p> <p>The project must be reviewed to determine whether its approval would have an adverse impact on important farmland, prime forest land, or prime rangeland as required by Departmental Regulation 9500-3, Land Use Policy.</p> <p>Projects that are determined to result in the lease, disposal, financing of an existing farm or property with no reasonably foreseeable change in land use and those actions that solely involve the renovation of existing structures or facilities would require no further review. This includes the protection of conservation resources areas and the establishment of conservation practices such as wildlife habitat. Also, actions that convert important farmland through the construction of on-farm structures necessary for farm operations are exempt. Since these actions have no potential to convert land uses, the preparer would complete this question by checking "no."</p> |

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Completing FSA-850, Environmental Evaluation (Continued)

| Item | Instructions |
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| 8 | <p>Unique Natural Features and Areas</p> <p>The reviewer should determine whether the project will adversely affect any unique natural features such as bluffs, caves, cliffs, or scenic areas. If “yes” is answered to 8a, b, or c, a description of the unique feature with a discussion of the project’s potential impacts upon it should be attached.</p> |
| 9 | <p>Environmental Justice</p> <p>FSA is responsible for ensuring that its farm loan, price support, conservation, and other programs comply with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.</p> <p>The preparer should analyze the environmental effects, including human health, economic and social effects, of FSA projects on minority and low income populations. Whenever feasible, the preparer should identify mitigation measures that reduce significant and adverse environmental effects from projects on these populations. If necessary, community input should be encouraged to identify potential effects and mitigation measures.</p> <p>Environmental justice issues should be considered during the evaluation process so that low income or minority communities that may be impacted by the project are involved in meeting environmental justice requirements and considerations. These groups should be identified and included early in the evaluation process so that it may be adapted to ensure full participation of these communities. This could include using different types of media to contact minorities and low income populations. Also FSA could provide information in alternative languages, make meeting times more accessible to working people, and identify target groups through public health organizations, civil rights groups, and tribal or religious groups.</p> <p>When determining the project’s area of potential effect the reviewer should look at the overall demographic data to help identify the presence of low income and minority groups.</p> <p>During the environmental review, any disproportionately high human health or environmental impacts to low income or minority groups must be addressed including a discussion of issues, and the feasibility and appropriateness of alternatives and mitigation options.</p> |

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Completing FSA-850, Environmental Evaluation (Continued)

| Item | Instructions |
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| 10 | <p>Social and Economic Impacts</p> <p>The preparer must consider whether the project will require people to be relocated or will otherwise affect residents and users of the project area and surrounding areas. Consideration must also be given to potential impacts on public and community services such as schools, health care, social services, and fire protection.</p> |
| 11 | <p>State Environmental Policy Act</p> <p>SEG should be reviewed to determine if the State has its own environmental policy act similar to NEPA. If “yes” is checked, Exhibit 11 should be included to summarize the results of compliance with these requirements.</p> |
| 12 | <p>Public Reaction</p> <p>Any discussions that the preparer may have with neighboring property owners concerning potential adverse environmental impacts with written correspondence that may have been received about the project should be included as Exhibit 12.</p> |
| 13 | <p>Cumulative Impacts</p> <p>Summarize the cumulative impacts of this project and the related activities. Give particular attention to land use changes and air and water quality impacts.</p> <p>Cumulative impacts result from the incremental impact of the project when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions.</p> |
| 14 | <p>Alternatives</p> <p>If necessary, discuss the feasibility of alternatives to the project and their environmental impacts. Alternatives should be described in sufficient detail. The list of alternatives should include the proposed action and no action. The alternatives should be compared by discussing their potential environmental impacts.</p> |
| 15 | <p>Mitigation Measures</p> <p>If necessary, describe any measures which will be taken or required by FSA to avoid or mitigate the identified adverse impacts. Analyze the environmental impacts and potential effectiveness of the mitigation measures. Such measures shall be included as special requirements or provisions to the offer of financial assistance or other appropriate approval document if the action does not involve financial assistance.</p> |

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Completing FSA-850, Environmental Evaluation (Continued)

| Item | Instructions |
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| 16 | <p>Comments</p> <p>The preparer should provide comments about the project that were not provided by completing the evaluation.</p> |
| 17 | <p>Checklist</p> <p>This internal checklist is to be used by the preparer to identify and document which forms, permits, or letters are necessary to complete an environmental evaluation for a particular project. The preparer should keep in mind that the checklist may not contain certain State specific forms or permits and any additional items should be included with the evaluation as necessary.</p> |
| 18 | <p>Finding</p> <p>This section documents the finding or conclusion of the preparer about the potential environmental impacts related to the project.</p> <p>If 18a is checked, the project may proceed without completing an environmental assessment or environmental impact statement.</p> <p>If 18b is checked, a separate environmental assessment (EA) must be completed using the format provided in Exhibit H of 7 CFR Part 1940 subpart G. Supporting evidence and attachments used preparing this form may be used with EA.</p> |
| 19A | Insert the name of the preparer, either printed or typed. |
| 19B | Insert the title of the preparer, either printed or typed. |
| 19C | Enter signature of preparer. |
| 19D | Insert the date the preparer completes and signs FSA-850. |
| 19E | <p>This block is to be used for the signature of the FSA official who is required to concur and accept the evaluation completed by a vendor or cooperating agency official. It will be left blank when an FSA official is responsible for completing the evaluation. For example, when a vendor completes FSA-850 for a CRP contract, CED will sign this block to signify acceptance of the document. For a loan, CED would not sign this block.</p> |
| 19F | <p>This block is to be used for the title of the FSA official who is required to sign in block 19E. It is left blank when a concurring signature is not required.</p> |